

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

CASTAWAY POINTE, LLC, a Nebraska
limited liability company;

Plaintiff,

vs.

CITY OF PLATTSMOUTH, a political
subdivision of the State of Nebraska;

Defendant.

8:12CV211

**AMENDED
FINAL PROGRESSION ORDER**

The parties' joint motion, (Filing #43), is granted, and the final progression order is amended as follows:

- 1) The jury trial of this case is set to commence before John M. Gerrard, United States District Judge, in the Special Proceedings, Roman L. Hruska Federal Courthouse, 111 South 18th Plaza, Omaha, Nebraska, at 9:00 a.m. on May 19, 2014, or as soon thereafter as the case may be called, for a duration of five (5) trial days. This case is subject to the prior trial of criminal cases and such other civil cases as may be scheduled for trial before this one. Jury selection will be held at the commencement of trial.
- 2) The Pretrial Conference is scheduled to be held before the undersigned magistrate judge on April 29, 2014 at 1:00 p.m., and will be conducted by WebEx conferencing. To facilitate this conferencing method, the parties' proposed Pretrial Conference Order and Exhibit List(s) must be emailed to zwart@ned.uscourts.gov, in either Word Perfect or Word format, by 5:00 p.m. on April 28, 2014. An email will be sent to counsel of record with the instructions and codes for participating in the pretrial conference by WebEx.
- 3) A telephonic conference with the undersigned magistrate judge will be held on February 4, 2014 at 1:00 p.m. to discuss the status of case progression and potential settlement. Counsel for plaintiff shall place the call.
- 4) The deadlines for moving to amend pleadings or add parties are:

For the plaintiff(s):

November 29, 2013

For the defendant(s):

December 31, 2013

- 5) The deadline for completing written discovery under Rules 33 through 36 of the Federal Rules of Civil Procedure is February 28, 2014. Motions to compel Rule 33 through 36 discovery must be filed by February 14, 2014.
- 6) The deadline for identifying expert witnesses expected to testify at the trial is October 31, 2013.
- 7) The deadlines for complete expert disclosures, (both retained experts, ([Fed. R. Civ. P. 26\(a\)\(2\)\(B\)](#)), and non-retained experts, ([Fed. R. Civ. P. 26\(a\)\(2\)\(C\)](#)), are:

For the plaintiff(s):	December 2, 2013
For the defendant(s):	January 3, 2014

- 8) The deadline for filing any motion to strike the plaintiff's jury demand is January 21, 2014.
- 9) The deposition deadline is March 31, 2014.
- 10) The deadline for filing motions to dismiss and motions for summary judgment is March 18, 2014. The parties are advised, however, that the trial and pretrial conference may be continued on the court's own motion if dispositive motions are filed after January 28, 2014.
- 11) The deadline for filing motions to exclude testimony on *Daubert* and related grounds is March 3, 2014.

September 13, 2013.

BY THE COURT:

s/ Cheryl R. Zwart
United States Magistrate Judge